

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO.: 3:14-cv-582-RJC-DSC

BRENDA K. GREEN, )  
)  
PLAINTIFF, )  
)  
VS. )  
)  
NANCY A. BERRYHILL<sup>1</sup>, )  
ACTING COMMISSIONER )  
OF SOCIAL SECURITY, )  
)  
DEFENDANT. )

**ORDER**

This matter is before the Court on the Motion for attorney's fees filed by plaintiff's counsel George C Piemonte on August 4, 2018. Pursuant to 42 U.S.C. §406(b), whenever the Court renders a judgment favorable to a claimant, it may award attorney fees not to exceed twenty-five per cent of past due benefits.

In the instant case, the fee agreement between the Plaintiff and counsel provides for a contingency fee of twenty-five per cent of past due benefits. In these circumstances, the reviewing Court does not calculate a lodestar amount; it simply reviews the fee claimed for reasonableness. See Mudd v. Barnhardt, 418 F.3d 424, 427-28 (4th Cir. 2005) (citing Gisbrecht, 535 U.S. at 801, 808).

The Court has reviewed the amount requested by counsel and finds it to be reasonable. Accordingly, counsel's Motion is ALLOWED. Plaintiff was awarded \$128,760.00 in past-due benefits at the administrative level after this Court entered judgment. The Social Security

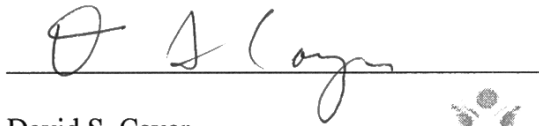
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<sup>1</sup> Nancy A. Berryhill is now Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Carolyn W. Colvin as Defendant herein. No further action is necessary by reason of the last sentence of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Administration shall release the sum of \$22,190.00 to plaintiff's counsel as attorney's fees for services rendered before this Court. Plaintiff's counsel shall refund to the Plaintiff the amount of \$5,800.00 previously awarded and paid to Plaintiff's counsel pursuant to the Equal Access to Justice Act.

**SO ORDERED.**

Signed: August 20, 2018

A handwritten signature in cursive script, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer  
United States Magistrate Judge

